

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

CHELSEA LEIGH SHORT,

Defendant.

**8:20CR22**

**ORDER**

This matter is before the Court on the request of the defendant seeking compassionate release. [Filing No. 171](#). The defendant seeks a reduction of sentence pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) as amended by Section 603 of the First Step Act, [Pub. L. No. 115-391](#), 132 Stat. 5194 (2018). In Section 603 of the First Step Act, Congress amended [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) to permit defendants to move a sentencing court for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” Under the law, it matters not that the COVID-19 pandemic creates a great health risk to many prisoners. Administrative exhaustion under the Act is a jurisdictional prerequisite to this Court in deciding if compassionate relief should be granted.

The Court notes that the defendant has exhausted her administrative remedies with the prison system. See [Filing No. 171](#) at 3, 7. However, the defendant has not provided the Court with a suggested place of home detention. The Court will allow Defendant 60 days from the date of this order to provide the Court with the name, relation, and address of whom she would be able to stay with if compassionate release was granted. The Court will appoint the Federal Public Defender’s Office to oversee this case.

The Court will order the United States Probation Office to prepare an investigative report, request and review medical and disciplinary records from the Bureau of Prisons, provide the Court with any additional relevant records not included in the filing, and conduct a review of the suggested home detention placement once provided by the defendant. The Court will likewise order the government to file its response.

**THEREFORE, IT IS ORDERED THAT:**

1. The defendant shall have 60 days from the date of this order to provide the Court with information, including name, relation, and address, of where she would stay if granted compassionate release.
2. The Federal Public Defender's office, Dave Stickman, is appointed to represent the defendant and file any appropriate documents or briefs.
3. The United States Attorney's office, Steven Russell, shall have 14 days from the date the United States Probation office files its report to file an appropriate brief.
4. The United States Probation Office, Aaron Kurtenbach, is ordered to review the defendant's motion, Bureau of Prison records, and file an investigative report within 30 days of the date of this Order. Once the defendant provides a suggested home detention placement, Probation shall have 14 days thereafter to submit a final investigative report, and the Probation Office shall do a home assessment prior to filing said final report.

Dated this 7<sup>th</sup> day of March, 2023.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge